



UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of HUTCHISON :  
U.S. Application No.: 10/597,308 :  
PCT Application No.: PCT/GB2005/000206 :  
Int. Filing Date: 20 January 2005 : COMMUNICATION  
Priority Date Claimed: 20 January 2004 :  
Attorney Docket No.: 24043-11894 :  
For: A METHOD OF TRANSMITTING DATA :  
AND RELATED APPARATUS :  
:

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

**BACKGROUND**

On 20 January 2005, applicant filed international application PCT/GB2005/000206, which claimed priority of an earlier United Kingdom application filed 20 January 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 04 August 2005. The thirty-month period for paying the basic national fee in the United States expired on 20 July 2006.

On 19 July 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US).. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 23 June 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905).

On 16 July 2008, a power of attorney and change of correspondence request was filed referencing the present application number.

On 15 May 2009, the DO/EO/US mailed a Letter Regarding a New Notice and/or the Status of the Application (Form PCT/DO/EO/WITH) and a new Notification of Missing

Requirements. This correspondence was mailed to the address indicated in the request filed 16 July 2008.

On 26 May 2009, the party who filed the 16 July 2008 request submitted a communication which stated that the 16 July 2008 request was intended to be filed in a different application.

### **DISCUSSION**

A review of the application file reveals that the 16 July 2008 request, which was apparently intended to be filed in a different application, in any event was not in compliance with 37 CFR 1.33(a). Thus, the 15 May 2009 correspondence should not have been mailed to the new address.

### **CONCLUSION**

For the reasons above, the Letter Regarding a New Notice and/or the Status of the Application (Form PCT/DO/EO/WITH) and the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 15 May 2009 are hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a new Letter Regarding a New Notice and/or the Status of the Application (Form PCT/DO/EO/WITH) and the Notification of Missing Requirements (Form PCT/DO/EO/905) to the original address of record.

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